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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,348	04/19/2001	Randall W. Ojanen	K-1786	2490

7590 05/28/2003  
Kennametal Inc.  
P.O. Box 231  
Latrobe, PA 15650

EXAMINER

SINGH, SUNIL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/838,348

Applicant(s)

Ojanen

Examiner

Sunil Singh

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 3/10/02
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-17, 29, 30, and 32-42 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17, 33-35, and 39 is/are allowed.
- 6) ☒ Claim(s) 29, 30, 32, 36-38, and 40-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10 6) ☐ Other:

Art Unit: 3673

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 32 and 36 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 32 and 36 call for the dimples to extend between ".007-.200"; however, such range was never disclosed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

Art Unit: 3673

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 41 and 42 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Engle et al., Radd et al., Kniff et al. '708, Kniff '900, Emmerich, Dziak, Ojanen et al., D'Angelo, Ritchey et al. and Montgomery, Jr. (see Figs. 9,10; see (23); see col. 4 lines 59-60; see (64); see Fig. 5; see (16); see Fig. 1; see (64); see (166); and see (166) respectively).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 29, 30, 36-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodondi et al. (US 5181867).

Rodondi et al. discloses a retainer comprising a retainer sleeve (212) including at least one radially outward projecting dimple (see col. 4 lines 65+; col. 5 lines 1-2, (226), see Fig. 10), wherein said retainer has a cylindrical circumference and a thickness dimension (see Fig. 10). There are a plurality of dimples. Rodondi et al. teaches that there is some amount of radial projection of said dimple beyond the cylindrical surface of the retainer, which is of some percentage of the thickness dimension of said retainer. However, Rodondi et al. does not explicitly teach that the amount of radial projection of said dimple beyond the cylindrical surface

Art Unit: 3673

of the retainer is about 15-30 percent of the thickness dimension of said retainer. It would have been considered obvious to one of ordinary skill in the art to modify Rodondi et al. by making the amount of radial projection of said dimple beyond the cylindrical surface of the retainer about 15-30 percent of the thickness dimension of said retainer since this allows for various diameter mating sockets to be used.

(Re claims 36-37), Rodondi et al. is silent about the specific sizing of the dimples. It would have been considered obvious to one of ordinary skill in the art to modify Rodondi et al. by making his dimples with the sizing dimensions called for in claims 36 and 37 since such sizing allows for various diameter sockets to be used.

7. Claims 29, 30, 36-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinke (US 6561058).

Steinke discloses a retainer (see Fig. 7) comprising a retainer sleeve (10) including at least one radially outward projecting dimple (see col. 3 line 53), wherein said retainer has a cylindrical circumference and a thickness dimension (see Fig. 5). There are a plurality of dimples. Steinke teaches that there is some amount of radial projection of said dimple beyond the cylindrical surface of the retainer, which is of some percentage of the thickness dimension of said retainer. However, Steinke does not explicitly teach that the amount of radial projection of said dimple beyond the cylindrical surface of the retainer is about 15-30 percent of the thickness dimension of said retainer. It would have been considered obvious to one of ordinary skill in the art to modify Steinke by making the amount of radial projection of said dimple beyond the cylindrical surface of

Art Unit: 3673

the retainer about 15-30 percent of the thickness dimension of said retainer since this allows for more uniform gripping.

(Re claims 36-37), Steinke is silent about the specific sizing of the dimples as called for in claims 36 and 37. It would have been considered obvious to one of ordinary skill in the art to modify Steinke by making his dimples with the sizing dimensions called for in claims 36 and 37 since such sizing allows for more effective water and air passages.

***Response to Arguments***

8. Applicant's arguments with respect to claim 29 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

9. Claims 15-17, 33-35 and 39 are allowed.

***Conclusion***


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

Art Unit: 3673

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Sunil Singh

  
Patent Examiner

Art Unit 3673

SS



5/20/03